

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

d/f

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AVAGAL HUDGINS

Plaintiff,

ORDER

-against-

12-CV-5310 (NGG) (JO)

CARIBBEAN SPOTLIGHT INC., et al.,

Defendant.

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NICHOLAS G. GARAUFIS, United States District Judge.

Plaintiff Avagal Hudgins brings this action seeking monetary damages related to a physical altercation she had with the bouncers at a nightclub and her subsequent arrest (Compl. (Dkt.1).) Plaintiff alleges, pursuant to 42 U.S.C. §§ 1983, 1985, and 1998, that Defendants injured her and violated her civil rights. (Id.) After prosecuting her case for approximately seven months, plaintiff began failing to respond to the orders of Magistrate Judge James Orenstein, to whom the case was assigned. (Report and Recommendation (“R&R”) (Dkt. 51).) On June 4, 2013, Hudgins’s attorney filed a letter stating that he was unable to contact his client and asking the court to dismiss the case. (Id.) Judge Orenstein denied the request and instructed the parties either to stipulate to dismissal or to propose a briefing schedule for Plaintiff’s claims. (Id.) However, Hudgins’s attorney continued to be unable to contact her. Judge Orenstein then issued an order to show cause by June 17, 2013, why the case should not be dismissed with prejudice. (Order to Show Cause (Dkt. 50).) Hudgins failed to respond. (R&R (Dkt. 51) at 2.)

On July 10, 2013, Judge Orenstein issued his R&R recommending that Plaintiff’s case be dismissed with prejudice for failure to prosecute. (R&R (Dkt. 51) at 4.) See Fed. R. Civ. P. 41(b). No party has objected to Judge Orenstein’s R&R, and the time to do so has passed. See

Fed. R. Civ. P. 72(b)(2). Accordingly, the court reviews the R&R for clear error. See La Torres v. Walker, 216 F. Supp. 2d 157, 159 (S.D.N.Y. 2000); Gesualdi v. Mack Excavation & Trailer Serv., Inc., No. 09-CV-2502 (KAM) (JO), 2010 WL 985294, at *1 (E.D.N.Y. Mar. 15, 2010); cf. 28 U.S.C. § 636(b)(1).

The court has reviewed Judge Orenstein's R&R for clear error and finds none. Accordingly, the court ADOPTS the R&R in its entirety. See Porter v. Potter, 219 F. App'x 112, 112-13 (2d Cir. 2007). Plaintiff's action against Caribbean Spotlight and all other defendants is DISMISSED WITH PREJUDICE pursuant to Federal Rule of Civil Procedure 41(b). The Clerk of Court is directed to enter judgment and close this case.

SO ORDERED.

Dated: Brooklyn, New York
September 3, 2013

~~NICHOLAS G. BRAUN~~
United States District Judge